

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

LULA H.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,<sup>2</sup>  
Commissioner of Social Security,

Defendant.

Civil No. 2:22cv407

**FINAL ORDER**

Before the Court is Plaintiff Lula H.'s action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security ("Commissioner") denying her claim for disability insurance benefits under the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated December 16, 2022 (ECF No. 12), this matter was referred to United States Magistrate Judge Douglas E. Miller for a Report and Recommendation.

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<sup>1</sup> The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

<sup>2</sup> Martin O'Malley is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d).

On February 13, 2023, Plaintiff filed a motion for summary judgment. ECF No. 16. On March 15, 2023, the Commissioner filed a cross motion for summary judgment. ECF No. 19. On September 14, 2023, Judge Miller filed a report and recommended that Plaintiff's motion for summary judgment be denied and that the Commissioner's final decision be affirmed. ECF No. 21.

By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 22. The Court received Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (ECF No. 22) and the Commissioner's Response thereto (ECF No. 23).

The Court, having reviewed the record and examined the objection filed by Plaintiff to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed September 14, 2023. It is, therefore, **ORDERED** that Plaintiff's Motion for Summary Judgment (ECF No. 16) is **DENIED**, the Commissioner's Motion for Summary Judgment (ECF No. 19) is **GRANTED**, the decision of the Commissioner is **AFFIRMED**, and this matter is **DISMISSED WITH PREJUDICE**.

The parties are **ADVISED** that an appeal from this Final Order may be commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. This written notice must be received by the Clerk within sixty days from the

date of this Final Order.

The Clerk is **DIRECTED** to please provide a copy of this Order to all parties.

**IT IS SO ORDERED.**

/s/

Arenda L. Wright Allen  
United States District Judge

March 28, 2024  
Norfolk, Virginia